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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202702
Party	Defendant Surefire, LLC
Correspondence Address	JANET ROBERTSON KAUFMAN WEEKS, KAUFMAN, NELSON & JOHNSON 462 STEVENS AVE STE 310 SOLANA BEACH, CA 92075-2066 jank@wknjlaw.com
Submission	Answer
Filer's Name	JANET KAUFMAN, attorney for Applicant
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Date	12/29/2011
Attachments	Mag560 Ans.Opp.pdf (3 pages)(1198283 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

MAG INSTRUMENT, INC.,

Opposer,

v.

SUREFIRE, LLC

Applicant.

) Applicant's Answer to
) Opposition
) Opposition No. 91202702
) Serial No. 85/39,915

APPLICANT'S ANSWER TO OPPOSITION

Box TTAB FEE
Commissioner for Trademarks
P.O. Box 1451
Arlington, VA 22313

Dear Sir or Madam:

Applicant Surefire, LLC contests the Opposition filed by Opposer Mag Instrument, Inc. in this matter and responds to the grounds set forth in opposition as follows:

1. Applicant has insufficient information to rely upon to respond to the allegations contained in paragraph 1 of the Notice of Opposition and based thereon denies the same.

2. Applicant has insufficient information to rely upon to respond to the allegations contained in paragraph 2 of the Notice of Opposition and based thereon denies the same.

3. Applicant has insufficient information to rely upon to respond to the

allegations contained in paragraph 3 of the Notice of Opposition and based thereon denies the same.

4. Applicant has insufficient information to rely upon to respond to the allegations contained in paragraph 4 of the Notice of Opposition and based thereon denies the same.

5. Applicant has insufficient information to rely upon to respond to the allegations contained in paragraph 5 of the Notice of Opposition and based thereon denies the same.

6. Applicant has insufficient information to rely upon to respond to the allegations contained in paragraph 6 of the Notice of Opposition and based thereon denies the same.

7. Applicant admits the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant has insufficient information to rely upon to respond to the allegations contained in paragraph 8 of the Notice of Opposition and based thereon denies the same.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

10. As a first and separate affirmative defense, Applicant submits that there is no likelihood of confusion between the applied for mark and the marks cited in the Notice of Opposition.

11. As a second and separate affirmative defense, Applicant submits that the marks referred to in the Notice of Opposition as the MAG Family Marks are not famous marks.

12. As a third and separate affirmative defense, Applicant alleges that the Opposition is barred by the doctrine of laches.

13. As a fourth and separate affirmative defense, Applicant alleges that Opposer has acquiesced to Applicant's use of the applied for mark.

WHEREFORE, Applicant submits that the Opposition in this matter should be denied and the application should proceed to registration.

DATED: December 28, 2011

WEEKS, KAUFMAN, NELSON & JOHNSON

By: 
Janet Robertson Kaufman
462 Stevens Avenue, Suite 310
Solana Beach, CA 92075
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jank@wknjlaw.com
Attorney for Applicant, Surefire, LLC

CERTIFICATE OF SERVICE

I hereby certify that on 12/30/11, I caused a copy of the foregoing **APPLICANT'S ANSWER TO OPPOSITION** to be served upon Opposer by mailing a copy, first class postage prepaid, addressed to:

Anna Raimer
Jones Day
717 Texas Ave., Suite 3300
Houston, TX 77002


Janet Robertson Kaufman